



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT**

**RESOLUTION 2019-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY, DECLARING THAT AN EMERGENCY REPAIR OF THE WATERLINE UNDER WILLOW LAKE IS NECESSARY TO MEET MINIMUM FIRE FLOW REQUIREMENTS, ADOPTING A STATUTORY EXEMPTION FOR THE PURPOSES OF SATISFYING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE REPAIR OF THE WILLOW LAKE WATERLINE, APPROVING THE PROJECT, AND DIRECTING THE GENERAL MANAGER TO FILE A NOTICE OF EXEMPTION WITH THE CONTRA COSTA COUNTY CLERK.**

WHEREAS, the Town of Discovery Bay Community Services District ("District") is a government agency organized and existing under the laws of the State of California; and

WHEREAS, the District recently determined that fire flow from four (4) fire hydrants within the District would be less than 1,000 gallons per minute during max day water system demands because the 8-inch water line under willow lake has failed and is out of service; and

WHEREAS, upon reviewing this information with the East Contra Costa Fire Protection District, the Fire District issued a Notice of Violation informing the District that it was in violation of the California Fire Code, East Contra Costa Fire Protection District Ordinance and California Code of Regulations for not meeting required fire flow demand; and

WHEREAS, the Fire District Notice of Violation indicates that the 8-inch waterline is in need of immediate emergency repair in order to restore fire flow to above 1,000 gallons per minute; and

WHEREAS, the District is the lead agency under the California Environmental Quality Act ("CEQA") for the Willow Lake Waterline Repair Project ("Project"); and

WHEREAS, the Project consists of repairing the failed 8-inch waterline under Willow Lake by replacing it with a new, approximately 450-foot long, 8-inch waterline 35-feet under the lakebed utilizing horizontal directional drilling; and

WHEREAS, the Project falls within the categorical exemptions to the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Class I) of the Guidelines for CEQA, California Administrative Code of Regulations, Title 14, Chapter 3, Article 19.

WHEREAS, the Project is also statutorily exempt under CEQA as a repair and replacement of an existing pipeline of less than one mile in length within a public right of way pursuant to Public Resources Code Section 21080.21; and

WHEREAS, the Project is statutorily exempt under CEQA as an emergency project to repair publicly owned service facilities necessary to maintain service essential to the public health, safety, and welfare pursuant to Section 15269 of the Guidelines for CEQA, California Administrative Code of Regulations, Title 14, Chapter 3, Article 18; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have been met.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1: The above recitals are true and correct.
- Section 2: An immediate emergency repair of the waterline under Willow Lake is essential to the public safety and welfare by restoring fire flow to above 1,000 gallons per minute.
- Section 3: The Notice of Exemption prepared for the Project has been completed in accordance with CEQA Guidelines.
- Section 4: The Board hereby approves and adopts the Statutory Exemptions and Categorical Exemption for the Willow Lake Waterline Repair Project per the State CEQA Guidelines.
- Section 5: The Board hereby approves the Willow Lake Repair Project.
- Section 6: The Board hereby directs the General Manager to prepare and file with the County Clerk of Contra Costa County for posting, a "Notice of Exemption" pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062.
- Section 7: This Resolution shall take effect immediately upon its adoption.
- Section 8: The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 4<sup>th</sup> DAY OF DECEMBER 2019.

  
\_\_\_\_\_  
Bill Mayer  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on December 4, 2019, by the following vote of the Board:

AYES: 5  
NOES: 4  
ABSENT: 4  
ABSTAIN: 4



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Michael R. Davies  
Board Secretary

## Notice of Exemption

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TO: Contra Costa County  
Clerk's Office  
555 Escobar Street  
Martinez, CA 94553

From: Town of Discovery Bay  
1800 Willow Lake Rd.  
Discovery Bay, CA 94505

Project Title: Willow Lake Water Line Repair Project

Project Applicant: Town of Discovery Bay, 1800 Willow Lake Road, Discovery Bay, CA 94505

Project Location: Between 5300 Willow Lake Ct and 5325 Laguna Ct., Discovery Bay, CA 94505

Project Location – City: Discovery Bay

Project Location – County: Contra Costa

### Description of Nature, Purpose and Beneficiaries of Project:

Repair existing 8-inch potable waterline that has failed under Willow Lake by installing approximately 450-feet of 8-inch waterline utilizing horizontal directional drilling approximately 35-feet under the bottom of the lakebed in order to restore fire flows to above 1,000 gallons per minute at several fire hydrants as ordered by the East Contra Costa County Fire Protection District notice of violation issued November 26, 2019. The new waterline will be installed within the same easement as the existing waterline which will be abandoned in place. The project beneficiaries will be the residents of Discovery Bay living in the vicinity of the four (4) fire hydrants that currently have substandard flows.

Name of Public Agency Approving the Project: Town of Discovery Bay CSD (District)

Name of Agency Carrying Out the Project: Town of Discovery Bay Community Services District

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☒ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Repair to existing public facilities pursuant to Guidelines for CEQA, Regulation Sec. 15301

☒ Statutory Exemptions. State code number: Public Resources Code Sec. 21080.21, Guidelines for CEQA, Regulation Sec. 15269(b)



Reasons why project is exempt:

The East Contra Costa Fire Protection District issued a notice of violation indicating that the District was in violation of the California Fire Code, East Contra Costa Fire Protection District Ordinance and California Code of Regulations for failing to repair the 8-inch waterline under Willow Lake which has resulted in fire flows during max day conditions of less than 1,000 gallons per minute from several fire hydrants within the District. The notice from the Fire District indicates that the waterline is in need of immediate emergency repair which is necessary to restore fire flows to levels essential to public safety and welfare. Because the District has now been made aware that the 8-inch waterline being out of service has resulted in substandard fire protection and must be repaired immediately, the project is therefore exempt per Section 15269 of the Guidelines for CEQA, California Administrative Code of Regulations, Title 14, Chapter 3, Article 18.

The 8-inch waterline in need of repair is an existing pipeline owned by the Town of less than one mile in length within a public right of way, and is therefore exempt pursuant to Public Resources Code 21080.21.

The repair will be to an existing 8-inch waterline involving no expansion of existing or former use. The 8-inch waterline is a type of existing facility that is categorically exempt from CEQA as Class 1 pursuant to the Guidelines for CEQA, California Administrative Code of Regulations, Title 14, Chapter 3, Article 19.

Lead Agency

Contact Person: Mike Davies, General Manager Telephone: 925-634-1131

Attached is the certified document of exemption finding.

Signature: Mike Davies Date: 12/4/19 Title: General Manager

☒ Signed by Lead Agency

☐ Signed by Applicant

Attached:

East Contra Costa Fire Protection District November 26, 2019, notice of violation.  
Resolution 2019-11



## East Contra Costa Fire Protection District

Brian Helmick, Fire Chief

### BOARD OF DIRECTORS

Brian Oftedal,  
President  
Stephen Smith,  
Vice President  
Adam Langro  
Carrie Nash  
Joe Young

November 26, 2019

Michael Davies  
General Manager  
Town of Discovery Bay  
1800 Willow Lake Road  
Discovery Bay, CA 94505

Subject: Fire Flow from Hydrant at 5300 Willow Lake Ct., Discovery Bay

Mr. Davies,

A review of the available fire flow in the area of 5300 Willow Lake Court in Discovery Bay California was conducted. Based on the available information and the fire flow testing conducted in multiple locations has identified the system is not meeting the required fire flow demand and is in need of immediate emergency repairs.

Address	Fire Flow Before Crossing was Closed	Fire Flow After Crossing was Closed
181 Discovery Bay Blvd	1,026 gpm	912 gpm
600 Beaver Court	1,103 gpm	964 gpm
5730 Beaver Lane	1,048 gpm	922 gpm
5900 Starboard Drive	1,031 gpm	925 gpm

The following violation(s) of the California Fire Code, East Contra Costa Fire Protection District Ordinance and California Code of Regulations were found to exist;

1. (CFC B105.1) The minimum fire-flow and flow duration requires for one and to family dwellings, Group R-3 buildings and townhouses shall be as specified in Tables B105.1(1). For structures 0 to 3,600 square feet shall produce 1,000 gallons per minute for a 1 hour duration and structures 3,601 or greater shall produce 1,500 gallons per minute for a 2 hour duration.

You are hereby **noticed** to provide an emergency repair plan to this office no later than 30 days receipt.

Violation of the California Fire Code, East Contra Costa Fire Protection District Ordinance and/or the California Code of Regulations, or any order or notice duly issued pursuant to these regulations, constitutes a misdemeanor. Continued violation or refusal to comply with the order and notification of violation may result in a criminal complaint filed with the District Attorney's office.

If you have any questions, please contact this office at (925) 240-2168.

Sincerely,

A handwritten signature in black ink that reads 'S Aubert'.

Steve Aubert  
Fire Marshal  
East Contra Costa Fire Protection District  
150 City Park Way  
Brentwood CA 94513



